

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

PA ADVISORS, LLC

Plaintiff,

v.

GOOGLE INC., et al,

Defendants

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 2:07-CV-480 (D)

**JURY TRIAL DEMANDED**

**PROPOSED DOCKET CONTROL ORDER PURSUANT TO FRCP 26(f)**  
**CONFERENCE**

STEP	ACTION	PLAINTIFF'S PROPOSAL	DEFENDANTS' PROPOSAL
1	Initial Case Management Conference. P.R. 2-1 FRCP 26(f)	07/24/08	Agreed
2	Patentee serves Disclosure of Asserted Claims and Preliminary Infringement Contentions. P.R. 3-1.	08/15/08 (22 days from CMC instead of 10)	Agreed
3	Patentee makes Document Production Accompanying Disclosure. P.R. 3-2.	08/15/08	Agreed
4	Initial Disclosures FRCP 26(a)(1)	08/29/08 (39 days after CMC instead of 14)	Agreed
5	Accused Infringer serves Preliminary Invalidity Contentions. P.R. 3-3	10/24/08 (70 days after 3.1 instead of 45 days)	11/14/08
6	Accused Infringer makes Document Production accompanying preliminary invalidity contentions. P.R. 3-4	10/24/08	11/14/08
7	All parties make Exchange of Proposed Terms and Claim Elements for Construction. P.R. 4-1(a)	3/26/09	1/23/09
8	Patentee shall limit the number of asserted claims to no more than ten (10) and notify the accused infringer and court.	3/31/09	1/28/09

STEP	ACTION	PLAINTIFF'S PROPOSAL	DEFENDANTS' PROPOSAL
9	All parties meet and confer to discuss list of Proposed Terms and Claim Elements for Construction.  P.R. 4-1(b)	4/16/09	1/30/09
10	Deadline for early mediation at the Parties' request.	11/14/08	Mediation after Markman hearing
11	All parties make Exchange of Preliminary Claim Constructions and Extrinsic Evidence.  P.R. 4-2	4/15/09	2/27/09
12	All parties meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence.  P.R. 4-2(c)	5/7/09 and 5/14/09	3/10/09
13	All parties jointly file Joint Claim Construction and Prehearing Statement.  P.R. 4-3	5/28/09	3/27/09
14	Deadline to join other parties without leave of Court, which shall be at least 60 days before the deadline for filing dispositive motions.	11/18/08	Agreed
15	Deadline to file amended pleadings without leave of Court, which shall be at least 30 days before the deadline for dispositive motions.	11/18/08	Agreed
16	Completion of claim construction discovery.  P.R. 4-4	06/9/09	4/27/09
17	Patentee files opening claim construction brief.  P.R. 4-5(a)	6/18/09	5/28/09
18	Accused Infringer files responsive claim construction brief.  P.R. 4-5(b)	7/20/09 (32 days after opening brief instead of 14)	7/20/09
19	Patentee files reply brief on claim construction.  P.R. 4-5(c)	08/10/09 (21 days after response brief instead of 7)	Agreed
20	Parties file Joint Claim Construction Chart.  P.R. 4-5(d)	9/7/09	Agreed
21	Pre-hearing conference and technical tutorial, if necessary.	9/16/09	Agreed
22	Claim Construction Hearing.  P.R. 4-6	9/17/09	Agreed
23	Court's Claim Construction Ruling.	TBD	Agreed

STEP	ACTION	PLAINTIFF'S PROPOSAL	DEFENDANTS' PROPOSAL
24	Patentee makes Final Infringement Contentions. P.R. 3-6(a)	On or about 30 days after claim construction ruling pursuant to P.R. 3-6(a).	Agreed
25	Accused Infringer serves Preliminary Unenforceability Contentions.	On or about 40 days after claim construction ruling	Agreed
26	Accused Infringer makes document production accompanying Preliminary Unenforceability Contentions.	On or about 40 days after claim construction ruling.	Agreed
27	Accused Infringer makes Final Invalidity Contentions. P.R. 3-6(b)	On or about 50 days after claim construction ruling pursuant to P.R. 3-6(a).	Agreed
28	Accused Infringer makes disclosure relating to willfulness. P.R. 3-8	On or about 50 days after claim construction ruling.	Agreed
29	Accused Infringer makes Final Unenforceability Contentions.	On or about 60 days after claim construction ruling.	Agreed
30	Deadline for completion of all fact discovery, which shall be at least 90 days before the final pretrial conference.	On or about 80 days after claim construction ruling.	On or about 90 days after claim construction ruling.
31	Deadline for disclosure of expert testimony on issues for which a party bears the burden of proof. FRCP 26(a)(2) L.R. CV-26(b)	On or about 90 days after claim construction ruling.	On or about 120 days after claim construction ruling.
32	Deadline for disclosure of rebuttal expert testimony. FRCP 26(a)(2) L.R. CV-26(b)	On or about 110 days after claim construction ruling.	On or about 150 days after claim construction ruling
33	Deadline for late mediation at the Parties' request.	On or about 60 days after claim construction ruling	Agreed
34	Deadline for completion of expert discovery.	30 days after rebuttal expert testimony.	Agreed
35	Deadline for objections to other parties' expert witnesses.	15 days after completion of expert discovery	Agreed

STEP	ACTION	PLAINTIFF'S PROPOSAL	DEFENDANTS' PROPOSAL
36	Deadline for filing dispositive motions, including motions on invalidity and unenforceability, which shall be at least 75 days before the initial pretrial conference.	At least 75 days before initial pretrial conference	Agreed
37	Deadline for filing all <i>Daubert</i> motions.	Same as 36.	Agreed
38	Deadline for parties to make pretrial disclosures. FRCP 26(a)(3)	At least 30 days before initial pretrial conference.	Agreed
39	Patentee to provide to other parties its information for Joint Final Pretrial Order, Proposed Jury Instructions and Verdict Form.	At least 30 days before initial pretrial conference	Agreed
40	Defendant and Third parties to provide to Patentee their information for Joint Final Pretrial Order, Proposed Jury Instructions and Verdict Form.	At least 30 days before initial pretrial conference.	Agreed
41	Parties to file Proposed Joint Final Pretrial Order, Proposed Jury Instructions, Joint Verdict Forms and Motions in Limine. Prior to initial pretrial conference, parties shall confer with each other regarding the other party's Motion in Limine, deposition designations, and exhibits and shall submit to the Court in writing any objections they may have to the other party's Motions in Limine, deposition designations and exhibits.	At least 2 weeks before the initial pretrial conference.	Agreed
42	Initial Pretrial Conference and hearing on Motions in Limine if required and hearing on objections to deposition designations and exhibits.	TBD	Agreed
43	Final Pretrial Conference before Judge David Folsom.	TBD	Agreed
44	Jury Selection before Judge David Folsom.	March, 2010	October, 2010

c:\documents and settings\andreasroberts\local settings\temporary internet files\olke13\proposed docket control order (7-21) as (2).doc

Respectfully submitted,

/s/ Andrew Wesley Spangler  
Spangler Law PC

/s/ David J Beck  
Beck Redden & Secrest

208 N. Green St., Suite 300  
Longview, TX 75601  
903-753-9300  
Fax: 903-553-0403  
Email: spangler@spanglerlawpc.com

Danny Lloyd Williams  
Williams Morgan & Amerson  
10333 Richmond, Suite 1100  
Houston, TX 77042  
713/934-4060  
Fax: 17139347011  
Email: dwilliams@wmalaw.com

David Michael Pridham  
David Pridham  
Law Office of David Pridham  
25 Linden Road  
Barrington, RI 02806  
401-633-7247  
Fax: 401-633-7247  
Email: david@PridhamIPLaw.com

J Mike Amerson  
Williams Morgan & Amerson PC  
10333 Richmond, Suite 1100  
Houston, TX 77042  
713/934-4055  
Fax: 17139347011  
Email: mike@wmalaw.com

Joseph Diamante  
Jenner & Block LLP - NY  
919 Third Avenue  
New York, NY 10022  
212/891-1600  
Fax: 212/909-0811  
Email: jdiamante@jenner.com

Patrick Rolf Anderson  
Patrick R. Anderson, PLLC  
4225 Miller Rd., Bldg. B-9, Suite 358  
Flint, MI 48507  
517-303-4806  
Fax: 248-928-9239  
Email: patrick@prapllc.com

1221 McKinney St, Suite 4500  
One Houston Center  
Houston, TX 77010-2020  
713/951-3700  
Fax: 17139513720  
Email: dbeck@brsfir.com

Brian C Cannon  
Quinn Emanuel Urquhart Oliver & Hedges -  
Redwood  
555 Twin Dolphin Dr  
Suite 560  
Redwood Shores, CA 94065  
650/801-5000  
Fax: 650/801-5100  
Email: briancannon@quinnemanuel.com

Michael Ernest Richardson  
Beck Redden & Secrest - Houston  
1221 McKinney  
Suite 4500  
Houston, TX 77010-2010  
713/951-6284  
Fax: 17139513720  
Email: mrichardson@brsfir.com

ATTORNEYS FOR DEFENDANT  
GOOGLE INC.

Jonathan T. Suder  
State Bar No. 19463350  
Michael T. Cooke  
State Bar No. 04759650  
**FRIEDMAN, SUDER & COOKE**  
Tindall Square Warehouse No. 1  
604 East 4th Street, Suite 200  
Fort Worth, Texas 76102  
(817) 334-0400  
Fax (817) 334-0401  
Email: mtc@fsclaw.com  
Email: jts@fsclaw.com

**ATTORNEYS FOR PLAINTIFF  
PA ADVISORS, LLC**

/s/ Jason C White  
Howrey LLP - Chicago  
321 North Clark Street  
Suite 3400  
Chicago, IL 60610  
312/846-4680  
Fax: 312/602-3986  
Email: whitej@howrey.com

John Frederick Bufo  
Potter Minton  
P. O. Box 359  
Tyler, TX 75710  
903/597/8311  
Fax: 9035930846  
Email: johnbuf@potterminton.com

Michael Edwin Jones  
Potter Minton PC  
110 N College  
Suite 500  
PO Box 359  
Tyler, TX 75710-0359  
903/597/8311  
Fax: 9035930846  
Email: mikejones@potterminton.com

**ATTORNEYS FOR DEFENDANT  
YAHOO! INC.**

/s/ David M Lacy Kusters  
Fenwick & West - San Francisco  
555 California Street  
12th Floor  
San Francisco, CA 94104  
415-875-2300  
Fax: 415-281-1350  
Email: dlacykusters@fenwick.com

Indra Neel Chatterjee  
Orrick Herrington & Sutcliffe - Menlo Park  
1000 Marsh Rd  
Menlo Park, CA 94025  
650/614-7400  
Fax: 650/614-7401  
Email: nchatterjee@orrick.com

J Thad Heartfield  
The Heartfield Law Firm  
2195 Dowlen Rd  
Beaumont, TX 77706  
409/866-3318  
Fax: 14098665789  
Email: thad@jth-law.com

Monte M F Cooper  
Orrick Herrington & Sutcliffe LLP  
1000 Marsh Rd  
Menlo Park, CA 94025  
650/614-7375

Fax: 16506147401  
Email: mcooper@orrick.com

Thomas J Gray  
Orrick Herrington & Sutcliffe - Irvine  
4 Park Plaza  
Suite 1600  
Irvine, CA 92614  
949/567-6700  
Fax: 949/567-6701  
Email: tgray@orrick.com

ATTORNEYS FOR DEFENDANT  
FACEBOOK, INC.

/s/ Craig S Summers  
Knobbe Martens Olson & Bear LLP -  
Irvine, CA  
2040 Main St  
Fourteenth Floor  
Irvine, CA 92614  
949/760-0404  
Fax: 949/760-9502  
Email: craig.summers@kmob.com

/s/ Hiep Huu Nguyen  
Darby & Darby - New York  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007-0042  
212/527-7700  
Fax: 212/527-7701  
Email: hnguyen@darbylaw.com

James E Hanft  
Darby & Darby - New York  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007-0042  
212/527-7700  
Fax: 212/527-7701  
Email: jhanft@darbylaw.com

Matthew D Orwig  
Sonnenschein Nath & Rosenthal LLP - Dallas  
1717 Main Street  
Suite 3400  
Dallas, TX 75201-7395  
214/259-0990  
Fax: 214/259-0910  
Email: morwig@sonnenschein.com

Melvin C Garner  
Darby & Darby - New York  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007-0042

Joseph S Cianfrani  
Knobbe Martens Olson & Bear LLP -  
Irvine, CA  
2040 Main St  
Fourteenth Floor  
Irvine, CA 92614  
949/760-0404  
Fax: 949/760-9502  
Email: jcianfrani@kmob.com

Matthew S Bellinger  
Knobbe Martens Olson & Bear LLP -  
Irvine, CA  
2040 Main St  
Fourteenth Floor  
Irvine, CA 92614  
949-760-9502  
Fax: 949-760-9502  
Email: matt.bellinger@kmob.com

Melvin R Wilcox, III  
Yarbrough - Wilcox, PLLC

212/527-7700  
Fax: 212/527-7701  
Email: mgarner@darbylaw.com

ATTORNEYS FOR DEFENDANT  
CONTEXTWEB, INC.

/s/ Ben Frey  
Sidley Austin - Chicago  
Bank One Plaza  
One South Dearborn Ave  
Chicago, IL 60603  
312/853-7000  
Fax: 312/853-7036  
Email: bfrey@sidley.com

Douglas I Lewis  
Sidley Austin - Chicago  
One South Dearborn St  
Chicago, IL 60603  
312/853-7000  
Fax: 13128537036  
Email: dilewis@sidley.com

Evelyn Y Chen  
Sidley Austin - Dallas  
717 N Harwood  
Suite 3400  
Dallas, TX 75201  
214-981-3412  
Fax: 214-981-3400  
Email: eychen@sidley.com

G William Lavender  
Lavender Law  
210 N State Line Ave  
Suite 503  
PO Box 1938  
Texarkana, AR 75504-1938  
870/773-3187  
Fax: 18707733181  
Email: blav@lavenderlaw.com

Richard A Cederoth  
Sidley Austin - Chicago

100 E. Ferguson, Suite 1015  
Tyler, TX 75702  
903.595.1133  
Fax: 903.595.0191  
Email: mrw@yw-lawfirm.com

ATTORNEYS FOR DEFENDANT  
SPECIFIC MEDIA, INC.

/s/ C Thomas Kruse  
Baker & Hostetler - Houston  
1000 Louisiana  
Suite 2000  
Houston, TX 77002-5009  
713/646-1365  
Fax: 713/751-1717  
Email: tkruse@bakerlaw.com

Paul I Perlman  
Hodgson Russ LLP  
140 Pearl Street  
Suite 100  
Buffalo, NY 14202-4040  
716/848-1479  
Fax: 716/819-4616  
Email: pperlman@hodgsonruss.com

Robert J Fluskey, Jr  
Hodgson Russ LLP  
140 Pearl Street  
Suite 100  
Buffalo, NY 14202-4040  
716/856-4000  
Fax: 716/849-0349  
Email: rfluskey@hodgsonruss.com

ATTORNEYS FOR DEFENDANT  
SEACAST CORPORATION and  
PULSE 360, INC.

One South Dearborn St  
Chicago, IL 60603  
312/853-7000  
Fax: 312/853-7036  
Email: rcederoth@sidley.com

ATTORNEYS FOR DEFENDANTS  
FAST SEARCH & TRANSFER, INC., FAST  
SEARCH TRANSFER ASA and  
AGENTARTS, INC.

/s/ Harry Lee Gillam, Jr  
Gillam & Smith, LLP  
303 South Washington Avenue  
Marshall, TX 75670  
903-934-8450  
Fax: 903-934-9257  
Email: gil@gillamsmithlaw.com

Howard I Sherman  
Kaye Scholer - New York  
425 Park Avenue  
New York, NY 10022  
212/836-8071  
Fax: 212/836-7153  
Email: hsherman@kayescholer.com

James S Blank  
Kaye Scholer - New York  
425 Park Avenue  
New York, NY 10022  
212/836-7528  
Fax: 12128368689  
Email: jblank@kayescholer.com

ATTORNEYS FOR DEFENDANT  
24/7 REAL MEDIA, INC.